

CAUSE NO. DC-19-14291

Belinda Hernandez

BRANDON DAVIS,

Plaintiff,

v.

DANIELLE M. ELLIS

Defendant.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

L-193RD JUDICIAL DISTRICT

PLAINTIFF’S VERIFIED ORIGINAL PETITION, APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND TEMPORARY AND PERMANENT INJUNCTION AND REQUEST FOR DISCLOSURE

Plaintiff, Brandon Davis (“Davis” or “Plaintiff”) by and through his undersigned attorneys, files this Original Petition against Defendant, Danielle M. Ellis (“Ellis” or “Defendant”) and asserts a claim for defamation, slander, libel, and intentional infliction of emotional distress, in support of which Plaintiff respectfully shows the following:

DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Davis intends that discovery be conducted under Level 2 and has affirmatively pleaded that the damages sought are within the jurisdictional limits of this Court.

THE PARTIES

2. Plaintiff, Brandon Davis, is a private citizen and Florida resident, residing in Palm Beach County, Florida.

3. Defendant, Danielle M. Ellis is an individual and a resident of Dallas County, Texas, who can be served with citation at her last known address of 2309 Colonial, Mesquite, Texas 75150. Plaintiff requests that service of process and citation issue at this time.

JURISDICTION AND VENUE

4. This Court has jurisdiction to hear this action for defamation, slander, libel, and intentional infliction of emotional distress because the amount in controversy is in excess of the minimum jurisdictional limits of the Court. TX. CONST. ART. 5, § 8; TEXAS GOV'T CODE § 24.007. All causes of actions, claims and issues of law pertain to damages stated herein arise under and are brought pursuant to the laws of the State of Texas. Furthermore, jurisdiction is proper in this Court because Defendant resides in the State of Texas and Dallas County.

5. Venue is proper this Court pursuant TEX. CIV. PRAC. & REM. CODE ANN. § 15.017 because this is a suit for damages for libel, slander and defamation, which can be maintained in the county in which Defendant resided at the time of the filing of suit or in the county of the resident of Defendant. Venue is also proper pursuant to TEX. CIV. PRAC. & REM. CODE ANN. § 15.004 in that Plaintiff has properly joined two or more claims or causes of action arising from the same transaction, occurrence, or series of transactions or occurrences, and the defamation cause of action is governed by the mandatory venue provisions of Sub-Chapter B.

6. All conditions precedent to instituting this action have been performed or have occurred.

NATURE OF THE CASE

7. "Hell hath no fury like a woman scorned." This statement encapsulates Defendant Ellis to a "T." After Plaintiff Davis terminated his dating relationship with Ellis and refused to socialize with her on a personal or professional basis, Ellis launched a public crusade to smear Ellis's reputation by spreading lies about him on social media and putting his safety at risk by posting his personally-identifiable information (i.e., full name, home address, work address, cell phone number, etc ...) on Facebook and Instagram. Ellis falsely claimed that

Davis—an established neurosurgeon and fashion entrepreneur in Florida—had been stalking her, harassing her, and hacking her accounts. None of the statements were true. To the contrary, Davis had been staying as far away from Ellis as possible after ending their very brief, six-week dating relationship nearly one year ago. Fueled with rage because Davis refused to speak to her or see her, Ellis made the series of public postings and she has refused to publicly recant them or take them down. Ellis’s vendetta is reckless, dangerous, and has put Davis at risk.

8. Ellis must be stopped, and she cannot be allowed to dump slanderous falsehoods against Davis. As a result of Ellis’s improper and unlawful acts, Davis has been forced to bring this action and has suffered reputational harm, extreme emotional distress, and other irreparable harm. This Application is supported by the Affidavit of Brandon Davis (attached hereto as Exhibit 1) and the Affidavit of his counsel Elizabeth Brandon (attached hereto as Exhibit 2).

STATEMENT OF FACTS

9. Davis (a dual-trained neurosurgeon and endovascular surgeon at Memorial Neuroscience Institute in Hollywood, Florida) was introduced to Ellis (a fashion designer) on or about August 15, 2018 in Broward County, Florida at a birthday party birthday for a mutual friend. Shortly after meeting, Davis and Ellis began communicating on a social basis and they eventually began a dating relationship with their first date taking place on or about August 23, 2018. Ex. 1, Davis Aff. ¶¶ 2-4.

10. Thereafter, Davis and Ellis engaged in a casual, non-exclusive dating relationship for about six weeks—from about August 23 to October 7. During this same period, Davis and Ellis began to work together on projects in the fashion industry. Ex. 1, Davis Aff. ¶¶ 3-4.

11. In addition to being a surgeon, Davis owns a modeling and media company called Vybelle Fashion Agency, located in Miami, Florida. Ex. 1, Davis Aff. ¶ 2. Given Ellis’s

background in model and fashion design, Davis decided to participate in a joint project with Ellis to host a fashion event on October 4, 2018 in Florida. The event was a success and Davis decided to give Ellis a “thank-you” gift by giving Ellis permission to use his credit card to “get herself something nice”. Ellis decided to take advantage of Davis’s generosity by charging about \$7,000 on Davis’s credit card. Disturbed by Ellis’s poor judgment and excessive charges, Davis decided to distance himself from Ellis and he ended their casual, non-exclusive dating relationship. Because of their involvement in the fashion industry, Davis saw Ellis at a couple fashion-industry events in November 2018 after the parties’ break up. Ex. 1, Davis Aff. ¶¶ 4-6.

12. After the break up, Davis saw Ms. Ellis at a few fashion events that he was invited by mutual acquaintances of Ellis’s. One of the events was a showcase on November 6, 2018 where Davis and Ellis had a cordial exchange and they projected a positive attitude towards each other for optimal networking during the event. Ex. 1, Davis Aff. ¶ 6. For this reason, Davis thought that he and Ellis would be able to continue working together professionally. Davis agreed to allow Ellis to participate in a fashion shoot that his agency Vybelle organized for November 14, 2018 in Miami. In the course of planning that event, however, Davis found Ellis’s communications to be excessive and unnecessary. After the completion of the fashion shoot, Davis told Ellis that they should suspend any further fashion work together. Ex. 1, Davis Aff. ¶ 6. Ellis, however, continued to send Davis text messages attempting to entice Davis to work with her on other fashion events. Davis firmly rejected all of Ellis’s attempts, he expressly told her that he was uncomfortable working with her, and he extricated myself from working with Ms. Ellis on fashion events with my agency. Ex. 1, Davis Aff. ¶ 6.

13. Once Davis personally and professionally distanced himself from Ellis, Ellis began to exhibit mood swings and strange, obsessive behavior towards Davis. For example, on

or about November 20, 2018, the parties exchanged text messages about no longer working together, to wit Ellis stated that Davis “nearly raped” her on their first date. Ex. 1, Davis Aff. ¶ 7. After Ellis made that shocking and false statement, Davis became concerned about what other false statements Ellis would say about him. Thus, Davis decided to terminate all communication with Ellis. Ex. 1, Davis Aff. ¶ 7.

14. Although Davis had blocked Ellis from being able to send him text messages, Ellis continued to try to contact Davis through their mutual friends, but Davis continued to block Ellis from electronic communications and he ignored any of her attempts to contact him through mutual contacts. Ex. 1, Davis Aff. ¶ 7.

15. In the months following, Davis moved on with his life and he made no attempts to contact or communicate with Ellis. Ex. 1, Davis Aff. ¶ 8.

16. Ellis, on the other hand, started to reach out to Davis again. On or about April 8, 2019, Ellis arrived unannounced at Ellis’s residence in West Palm, Florida. Davis was not home at the time, but was contacted on his cell phone by the building security guard who told him that Ellis was there. Ex. 1, Davis Aff. ¶ 8. While Davis was on the phone with the building security, he heard Ellis yelling about grabbing the phone, and then she got on the phone. Ellis complained that she had a box of items that she had purchased for fashion events back when the parties discussed collaborating. Because Davis stopped dating Ellis and stopped any joint collaborations on fashion events with Ellis, the items went unused. Indeed, shortly after the parties’ break-up Davis told Ellis that he did not need any of the items (or receipts for the items), and he told her that she could donate or otherwise get rid of the items at her discretion. Ex. 1, Davis Aff. ¶ 8.

17. Nevertheless, during the April 8 phone call, Ellis insisted that she personally deliver the box of items to Davis, and she demanded that Davis sign a receipt confirming that she

had dropped the items off. After Davis repeatedly told Ellis that he was not at the residence and that he did not need or want any of the items in the box, Ellis eventually left the residence. After that encounter, Davis became increasingly concerned about Ellis's conduct, statements, and escalating behavior. He decided to unblock Ellis's number from his phone so that he could keep track of the bizarre statements Ellis would make to him. Ex. 1, Davis Aff. ¶ 9.

18. Throughout June and July of 2019, several of the parties' mutual acquaintances attempted to relay messages to Davis from Ellis, or attempted to encourage Davis to communicate with Ellis. Davis ignored all requests and did not respond to any of the messages or messengers regarding Ellis. After it was clear that Davis would not engage with her, Ellis upped the ante and began spreading false tales about Davis. Ex. 1, Davis Aff. ¶ 11.

19. In June and July of 2019, Ellis sent Davis several text messages accusing Davis of hacking her phone and stalking her. At first, Davis responded by denying Ellis's accusations and asking Ellis to stop contacting him. But Ellis persisted in texting Davis with lies. She sent Davis several text messages asking Davis to "leave her alone," "stop stalking her and threatening her life," and she threatened to "tell the full story". Ex. 1, Davis Aff. Exs. B-C. Ellis's statements were bizarre, untrue, and misguided attempts to lure Davis back into her life.

20. As Davis continued to ignore Ellis, Ellis's text messages grew more hostile. On July 14, 2019, Ellis sent Davis the following text threatening message:

"you are a fuckin deadman [sic], Brandon."

Ex. 1, Davis Aff., Ex. D. While Davis was disturbed by Ellis's text message, he continued to think Ellis's conduct was just a cry for attention. That all changed in August of 2019.

21. On August 20, 2019, one of Davis’s friends contacted Davis and told him about several postings on Instagram and Facebook in which Ellis had publicly posted the following private, personal information about Davis:

- Davis’s cell phone number;
- Davis’s home address; and
- Davis’s birthdate.

Ex. 1, Davis Aff., Exs. E-F. In these public postings, Ellis also falsely stated that Davis was “hacking” her computer and “stalking” her, and she claimed that she had filed a police report against Davis.



Danielle M. Ellis

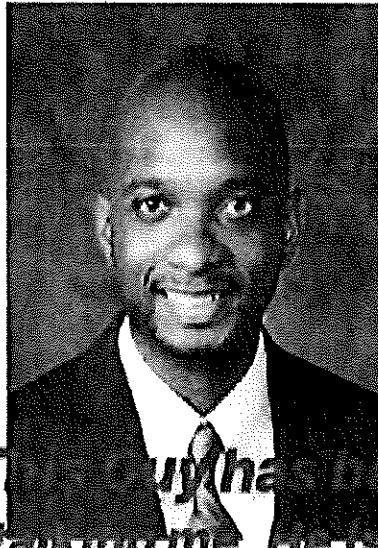
42 miles · 🌐

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Hi FB family this is the Dr. Brandon James Davis that hacks & stalks me. I'm currently doing what I can to get him out of my life. However, he won't stop o truly appreciate your support in aiding me with this matter.

Ex. 1, Davis Aff. ¶ 14.

22. Ellis encouraged her social media contacts and followers to support her and went so far as to extract Davis’s employee picture from the hospital website of Memorial Neuroscience Institute and post Davis’s picture to the angry mob on social media, with a caption overlay to further identify Davis’s modeling business:



**This guy has been
stalking me. He is the**

Specialties

Neurology, Psychiatry

owner of

#vybellemodels

Primary Office

#VyBelle

Address

Ex. 1, Davis Aff. Ex. F.


23. Encouraged by the blind support she was receiving in the social media comments, Davis stated that she would not stop until Davis was stopped, and she posted hashtags to further identify Davis's fashion business:


daniellem.ellis Hi everyone, my apologies for not posting I such a long time. This person has been hacking & stalking me for the past year. After failed attempts of communication this is the result. I will be posting his information until the hacking & stalking stops. Thank You. #vybellemodels #vybelle

Ex. 1, Davis. Aff. Ex. F.


24. Ellis's false accusations against Davis incited the social media mob against Davis.


Her social media supporters immediately posted threatening comments against Davis:


Julia Kay
Omg Danielle! Can't you get a restraining order?
1d Like Reply 

Tiffy Jo
Who that fuck is this nigga. Expose his ass so we know who to run to. He got me F'up best friend. Better not let no body run you into hiding. You better have some shit for his ass!!!
1d Like Reply 

[View 5 previous replies...](#)

 **CeCe Bruce**
What!
23h Like Reply

 **Tiffy Jo**
Danielle M. Ellis this must be one sick Mfer
23h Like Reply

 **CeCe Bruce**
Fuck this guy, I know people and ill Have him arrested. (if your reading

Davis. Aff. Ex. E.

25. Davis, meanwhile, grew increasingly concerned about his personal safety and professional reputation. Ex. 1, Davis Aff. ¶ 15. On August 21, 2019, Davis's boss at Memorial Neuroscience Institute, who was also the Chairman of Neuroscience, informed Davis that Ellis had left a voicemail on the hospital call center in which she stated that she wanted to speak with the Chairman about a "personal" matter not relating to Davis's professional license or

employment, and she alleged that the police were involved. Ex. 1, Davis Aff. ¶ 15. On information or believe, the matter ultimately was referred to the hospital's legal counsel.

26. Meanwhile, Davis grew fearful about his safety and Ellis's next steps. Davis was unaware of any alleged police report being filed against him and a public information request to the sheriff's office for Palm Beach County showed that no such report was filed against Davis by Ellis as of August 20, 2019. Ex. 2, Brandon Aff. Ex. C. Davis immediately retained counsel and on August 23, 2019, Davis (through his attorney) sent a cease-and-desist letter to Ellis's residence in Mesquite, Texas, where Ellis had recently moved. Ex. 2, Brandon Aff. Ex. A. That same day, Ellis contacted Davis's attorney by phone to confirm receipt of the cease-and-desist-letter. When asked if she would comply, Ellis gave evasive, non-committal responses that she had not posted anything since receiving the letter that day, and that she would comply only after Davis stopped his acts against her. Ex. 2, Brandon Aff. ¶ 2. Although the cease-and-desist letter demanded that Ellis take down the offending posts she made about Davis and remove his private information from her public postings, Ellis has refused to do so. Ex. 2, Brandon Aff. ¶ 2; Ex. 1, Davis Aff. ¶ 17.

27. Not only has Ellis kept the posts up for public view, she, or others working on her behalf, have attempted to contact Davis on his personal cell phone and through his agency's Instagram account since. Ex. 2, Brandon Aff. Ex. B. For example, on September 2, 2019, the Instagram account for Davis's agency Vybelles received a message from an unknown person that stated:

"I know it's you Brandon. I know you manage this account & it's not Yovanna. You obviously won't stop & neither will I. You are stalking me why?"

Ex. 1, Davis Aff. ¶ 18, Ex. G. The handle name associated with the Instagram message was “dme4monetportfolio,” which is unknown to Davis and is not a handle for one of the previously-accepted followers of Vybelle. Davis did not respond to dme4monetportfolio, but he remains fearful that the message was sent by Ellis or someone on her behalf. Ex. 1, Davis Aff. ¶ 18.

28. Then, on September 6, 2019, Davis received a strange text message from a person who identified himself as “Joseph Laurent” who claimed he was “referred to [Davis] by Danielle Ellis.” Ex. 1, Davis Aff. ¶ 19, Ex. H. Davis does not know a “Joseph Laurent” or “Mr. Laurent’s” supposed connection to Ellis; however, Davis is concerned that this “Joseph Laurent” obtained Davis’s cell phone number and attempted to contact Davis to possibly harm or harass him. Ex. 1, Davis Aff. ¶ 19, Ex. H. Indeed, the exact same message was previously sent to the Instagram account for Vybelle weeks earlier on August 26, 2019—again, after Ellis had received the cease-and-desist letter. Ex. 1, Davis Aff. ¶ 19, Ex. I.

29. Although Davis did not respond to any of the messages from the unknown person who claims to have been referred to him by Ellis, Davis remains fearful that Ellis will continue to take steps to humiliate and embarrass him publicly, socially, and professionally. Ex. 1, Davis Aff. ¶¶ 16, 20. Because Ellis has refused to take down Davis’s name, photo, address, phone number, work address, hospital address, fashion business name and related hashtags, Davis is fearful that one of Ellis’s supporters may take up her cause and come after him. Ex. 1, Davis Aff. ¶ 20. Ellis is well aware that the statements she posted about Davis are false, and are harmful to Davis’s reputation as a surgeon in the community, and as a businessperson in the fashion industry. In her reckless zeal to punish Davis for ignoring her attempts at reconciliation and reconnection, Ellis has used social media as a pawn to libel, slander and defame Davis.

COUNT I – LIBEL

30. Davis incorporates by reference the factual allegations in the preceding paragraphs as if fully set forth herein.

31. Davis is a private individual. He is neither a public official nor public figure for any purpose.

32. Ellis was and is a non-media defendant.

33. The foregoing statements by Ellis were false, both in their particular details and in their main point, essence or gist in the entire context in which they were made.

34. The defamatory statements constitute defamation per se in that they falsely state that Davis harassed and stalked Ellis, committed crimes against her, and were expressly intended to injure Davis in his occupation and profession as a neurologist at Memorial Neuroscience Institute in Hollywood, Florida, and are therefore libelous per se.

35. The foregoing defamatory statements by Ellis published in written form were further defamatory to Davis in that they injured his reputation and exposed him to public hatred, animus, contempt or ridicule, or financial injury. These false statements were made with the intent to impeach Davis's honesty, integrity, virtue, or reputation and thereby expose him to financial injury. The defamatory statements are therefore libelous and libelous per se.

36. The foregoing defamatory statements by Ellis have injured Davis in his vocation, occupation, and profession and are therefore libelous per se.

37. The foregoing defamatory statements by Ellis falsely charge Davis with engaging in intentional criminal conduct, and are therefore libelous per se.

38. Each of the foregoing statements referred to Davis directly with his home and work address and personal cell phone number so that a reasonable reader would understand that the statements refer to him.

39. Ellis published written defamatory statements, and she actively encouraged, assisted, aided and abetted the republication of written, published defamatory statements by others. Ellis has failed to retract the defamatory statement, though she was requested to do so, and she has failed to exercise ordinary care to prevent the foreseeable republication of the foregoing written and published defamatory statements.

40. In addition to directly publishing the foregoing defamatory statements, Ellis sponsored, financed, authorized and/or ratified the defamatory statements published by other against Davis.

41. Ellis is strictly liable for the damages caused by the libel. Alternatively, Ellis was negligent with respect to the truth or falsity of the defamatory statements of fact. Alternatively, Ellis knew and knows that the defamatory statements of fact were false, or were reckless with regard to whether the statements of fact were false.

42. Davis is entitled to recover nominal, general, actual, and special damages as a result of the libelous conduct of Ellis.

COUNT II – SLANDER

43. Davis incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

44. The foregoing statements by Ellis were false, both in their particular details and in their main point, essence or gist in the entire context in which they were made.

45. The defamatory statements constitute defamation per se in that they falsely state that Davis harassed and stalked Ellis, committed crimes against her, and were expressly intended to injure Davis in his occupation and profession as a neurologist at Memorial Neuroscience Institute in Hollywood, Florida, and are slander libelous per se.

46. The foregoing defamatory statements by Ellis published in oral form were further defamatory to Davis in that they injured Davis's reputation and exposed him to public hatred, animus, contempt or ridicule, or financial injury. These false statements were made with the intent to impeach Davis's honesty, integrity, virtue, or reputation and thereby expose him to financial injury. The defamatory statements are therefore slander and slander per se.

47. The foregoing defamatory statement by Ellis have injured Davis in his vocation, occupation, and profession and are therefore slander per se.

48. The foregoing defamatory statements by Ellis falsely charge Davis with engaging in intentional criminal conduct, and are therefore slander per se.

49. Each of the foregoing statements referred to Davis directly with his home and work address and personal cell phone number so that a reasonable reader would understand that the statements refer to him.

50. Ellis made oral and written defamatory statements, and she actively encouraged, assisted, aided and abetted the republication of written, published defamatory statements by others. Ellis has failed to retract the defamatory statement, though she was requested to do so, and she has failed to exercise ordinary care to prevent the foreseeable republication of the foregoing written and published defamatory statements.

51. In addition to directly publishing the foregoing defamatory statements, Ellis sponsored, financed, authorized and/or ratified the defamatory statements published by other against Davis.

52. Ellis is strictly liable for the damages caused by the slander. Alternatively, Ellis was negligent with respect to the truth or falsity of the defamatory statements of fact. Alternatively, Ellis knew and knows that the defamatory statements of fact were false, or were reckless with regard to whether the statements of fact were false.

53. Davis is entitled to recover nominal, general, actual, and special damages as a result of the slander committed by Ellis.

COUNT III – RATIFICATION

54. Davis incorporates by reference all allegations in the preceding paragraphs as if fully set forth herein.

55. Ellis has ratified all libel and slander by third parties by approving such libel and slander after acquiring full knowledge of same, with the intention of giving validity to one another's libel and slander.

COUNT IV – REQUEST FOR RETRACTION

56. Davis has repeatedly made a timely and sufficient request for retraction of the defamatory statements made by Defendant that satisfies any of the requirements of TEX. CIV. PRAC. & REM. CODE § 73.051 – 73.055. Davis's requests for retraction have fallen on deaf and malicious ears. Ellis's statements on Facebook published on August 20, 2019 and on Instagram published on August 20, 2019 are especially malicious, spiteful, egregious, and purposefully hurtful to Davis. Davis continues to plea that Ellis retract the false, defamatory, and damaging publications described above.

COUNT V – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

57. The facts as outlined herein demonstrate that the Ellis engaged in conduct on a continuing basis that intentionally inflicted emotional distress on Davis. Ellis's conduct was intentional, reckless, extreme and outrageous and such conduct proximately caused severe emotional distress to Davis in a matter for which Davis has no other recognized theory of redress for his emotional damages. Ellis's conduct is the type of conduct that is so unique, so outrageous and egregious that it cannot be accepted in normal society and should be declared intolerable. Ellis engaged in slanderous, libelous, and defamatory conduct against Davis with the express intention of harming Davis personally and professionally. Such conduct constitutes intentional infliction of emotion distress and was the proximate cause of severe emotional distress to Davis that no reasonable person could be expected to ensure it. Davis has suffered emotional distress and mental anguish in the past and, in all reasonable medical probability, such emotional distress and mental anguish will have effects that will cause him to suffer emotional distress and mental anguish in the future.

COUNT VI – DAMAGES

58. All previous allegations are incorporated herein by reference.

59. Davis is entitled to nominal general damages, and actual damages resulting from Defendant's libel and slander, including compensation for injury to Davis' reputation, and mental anguish. Davis is entitled to recover damages in an amount of money to fairly and adequately compensate him for damages suffered as a proximate result of the intentional infliction of emotional distress, such amount to be determined by the jury.

60. Davis is also entitled to special and consequential damages, including specifically, the pecuniary loss suffered by him because of Ellis's libel and slander.

61. In addition to the damages set forth above, Davis seeks to recover punitive or exemplary damages against Ellis for her conduct which constitutes malice as described herein pursuant to Chapter 41 of the Texas Civil Practice & Remedies Code.

**COUNT VII- REQUEST FOR TEMPORARY RESTRAINING
ORDER TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

APPLICATION FOR TEMPORARY RESTRAINING ORDER

62. All previous allegations are incorporated herein by reference.

63. Ellis's actions show an imminent intent to damage Davis's reputation, goodwill, and business relationships. Davis will suffer irreparable harm unless Ellis is enjoined as requested herein. There is a substantial likelihood that Davis will prevail on the merits of his claims against Ellis.

64. Davis has no adequate remedy at law. And unless a temporary restraining order as requested below is granted, Davis will suffer immediate and irreparable injury, loss, or damage, including damage to Davis's goodwill, reputation, and physical harm, before notice can be served and a hearing had on Davis's request for injunctive relief. Moreover, Ellis will continue to post the false, slanderous and defamatory statements against Davis and cause continuing harm to Davis's good will and reputation and business relationships. The harm suffered or to be suffered by Davis as a result of Ellis's conduct is irreparable and incapable of measurement in terms of calculable damages, thereby leaving no adequate remedy at law for the harm suffered by Davis.

65. Accordingly, Davis requests that this Court issue a temporary restraining order pursuant to Rule 680 of the Texas Rules of Civil Procedure. A proposed Temporary Restraining Order is attached hereto as Exhibit 3 and is fully incorporated herein by reference.

66. Davis requests the Court enter a temporary restraining order against Ellis enjoining her from:

- a. Continuing to publicly post any defamatory statements about Davis;
- b. Encouraging, enlisting, or recruiting others to make defamatory statements about Davis;
- c. Refusing to remove the defamatory statements against Davis from any and all of her social media public posts;
- d. Refusing to remove the personally-identifiable information about Davis—which includes Davis’s name, work address, home address, phone number, photograph, company affiliation, hospital affiliation, and various social media hashtags associated with Davis—from any and all of her social media public posts;
- e. Refusing to contact third-party republishers of the statements to have them remove the statements from their posts or publications;
- f. Communicating or attempting to communicate with Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, in vulgar, profane, obscene., or indecent language or in a coarse or offensive manner;
- g. Threatening Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against Petitioner;
- h. Causing bodily injury to Petitioner, directly or through a third party, or threatening to cause bodily injury to Petitioner, directly or through a third party; and
- i. Going to or near or within five-hundred (500) feet of Petitioner or remaining within five-hundred (500) feet of Petitioner after Respondent becomes aware of the presence of Petitioner.

67. Davis has no adequate remedy at law, and it is only through the issuance of such an order that Davis can avoid any further irreparable harm to his goodwill, his business, and his property rights.

APPLICATION FOR TEMPORARY INJUNCTION

68. All previous allegations are incorporated herein by reference.

69. Davis requests the Court enter a temporary injunction against Ellis enjoining her from:

- a. Continuing to publicly post any defamatory statements about Davis;
- b. Encouraging, enlisting, or recruiting others to make defamatory statements about Davis;
- c. Refusing to remove the defamatory statements against Davis from any and all of her social media public posts;
- d. Refusing to remove the personally-identifiable information about Davis—which includes Davis’s name, work address, home address, phone number, photograph, company affiliation, hospital affiliation, and various social media hashtags associated with Davis—from any and all of her social media public posts;
- e. Refusing to contact third-party republishers of the statements to have them remove the statements from their posts or publications;
- f. Communicating or attempting to communicate with Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner;
- g. Threatening Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against Petitioner;
- h. Causing bodily injury to Petitioner, directly or through a third party, or threatening to cause bodily injury to Petitioner, directly or through a third party; and
- i. Going to or near or within five-hundred (500) feet of Petitioner or remaining within five-hundred (500) feet of Petitioner after Respondent becomes aware of the presence of Petitioner.

70. Davis has no adequate remedy at law, and it is only through the issuance of such an order that Davis can avoid any further irreparable harm to his goodwill, his business, and his property rights.

71. Davis can avoid any further irreparable harm to his goodwill, his business, and his property rights.

APPLICATION FOR PERMANENT INJUNCTION

72. All previous allegations are incorporated herein by reference.

73. Davis requests the Court enter a permanent injunction against Ellis enjoining her from:

- a. Continuing to publicly post any defamatory statements about Davis;
- b. Encouraging, enlisting, or recruiting others to make defamatory statements about Davis;
- c. Refusing to remove the defamatory statements against Davis from any and all of her social media public posts;
- d. Refusing to remove the personally-identifiable information about Davis—which includes Davis’s name, work address, home address, phone number, photograph, company affiliation, hospital affiliation, and various social media hashtags associated with Davis—from any and all of her social media public posts;
- e. Refusing to contact third-party republishers of the statements to have them remove the statements from their posts or publications;
- f. Communicating or attempting to communicate with Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, in vulgar, profane, obscene., or indecent language or in a coarse or offensive manner;
- g. Threatening Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against Petitioner;

- h. Causing bodily injury to Petitioner, directly or through a third party, or threatening to cause bodily injury to Petitioner, directly or through a third party; and
- i. Going to or near or within five-hundred (500) feet of Petitioner or remaining within five-hundred (500) feet of Petitioner after Respondent becomes aware of the presence of Petitioner.

74. Davis has no adequate remedy at law, and it is only through the issuance of such an order that Davis can avoid any further irreparable harm to his goodwill, his business, and his property rights.

JURY DEMAND AND JURY FEE

75. Pursuant to TEX. R. CIV. P. 216(a), Davis demands a jury trial on all issues so triable.

76. Pursuant to TEX. R. CIV. P. 216(a), Davis has deposited or intends to deposit with the Clerk of the Court the required jury fee.

77. Pursuant to Rule 47(c)(5) of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000.

RULE 193.7 NOTICE

78. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Davis hereby gives actual notice to Ellis that any and all documents produced may be used against Ellis, producing the document at any pre-trial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

PRAYER

WHEREFORE, Plaintiff BRANDON DAVIS prays that citation be issued and Defendant DANIELLE M. ELLIS be served in this case and that upon trial of this matter, Plaintiff recover:

- a. Nominal, general, actual, special, consequential, and exemplary damages as described above in excess of the jurisdictional limits of this Court;
- b. Pre-judgment and post-judgment interest as allowed by law;
- c. Reasonable and necessary attorneys' fees and costs; and
- d. Such other and further relief that this Court deems just and equitable.

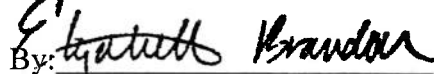
REQUEST FOR DISCLOSURE

Pursuant to Rule 194, you are requested to disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

September 6, 2019

Respectfully submitted,

REED SMITH LLP

By: 

Elizabeth C. Brandon

State Bar No. 2409580

2501 N. Harwood Street, Suite 1700

Dallas, Texas 75201

Telephone: 469.680.4212

Telecopier: 469.680.4200

ebrandon@reedsmith.com

**ATTORNEY FOR PLAINTIFF,
BRANDON DAVIS**

EXHIBIT 1

STATE OF FLORIDA

COUNTY OF Broward

§
§
§

AFFIDAVIT OF BRANDON DAVIS

BEFORE ME, the undersigned authority, personally appeared Brandon Davis, who, being by me duly sworn, deposed as follows:

1. "My name is Brandon Davis. I am over twenty-one (21) years of age, of sound mind and competent to make this affidavit. I have never been convicted of a felony or misdemeanor involving moral turpitude. I am fully competent to make this oath and affidavit. I have personal knowledge of the facts stated herein and affirm that they are all true and correct.

2. I am a dual-trained neurosurgeon and endovascular surgeon at Memorial Neuroscience Institute in Hollywood, Florida where I treat patients with neurological, cerebrovascular and spinal conditions. I graduated in 2009 from the University of California San Francisco School of Medicine, completed an internship in neurosurgery in 2010 at Vanderbilt University Medical Center, and completed endovascular and neurosurgery residencies by 2017 at Vanderbilt University Medical Center. As a neurosurgeon and endovascular surgeon, I am able to treat complex cerebrovascular conditions such as aneurysms, arteriovenous malformations and arteriovenous fistulas. I have privileges at the following hospitals in Florida to perform neurosurgeries and endovascular surgeries: Joe DiMaggio Children's Hospital; Memorial Hospital Miramar; Memorial Hospital Pembroke; Memorial Hospital West; and Memorial Regional Hospital. In addition to being a surgeon, I am also a board member of a non-profit organization called the Prestige Club, which supports families with disabled children. I also own a modeling and media company called Vybelle Fashion Agency, located in Miami, Florida.

3. On or about August 15, 2018, I met Danielle M. Ellis ("Ms. Ellis") at a birthday party of a mutual friend in Broward County, Florida. At that time, Ms. Ellis lived in Boca Raton, Florida, so I asked our mutual friend for her phone number. Shortly thereafter, Ms. Ellis and I began communicating on a social basis and we eventually began a dating relationship. We had our first date on or about August 23, 2018, and continued to date for six weeks (until about October 7, 2018) in a casual, non-exclusive relationship.

4. Ms. Ellis is a designer and has experience in the fashion industry. At the same time we began our romantic relationship, we began to assist each other with fashion projects. Ms. Ellis worked with me to organize and complete one successful fashion event on or about October 4, 2018. At that time, we also discussed opportunities to continue to work together on fashion projects in the future.

5. My dating relationship with Ms. Ellis was brief. After we completed the October 4 fashion event, we stopped dating three days later after I discovered that Ms. Ellis spent approximately \$7,000 on my credit card. I had given her permission to use my credit card to get herself something nice as a thank-you gift for the successful fashion event. However, I was disturbed by the excessive charges that Ms. Ellis made on my credit card and quickly ended our casual, non-exclusive dating relationship.

6. After the break up, I saw Ms. Ellis at a few fashion events due to invitations by a mutual friend. One of these events was a showcase on November 6, 2018. At that event, my interaction with Ms. Ellis was cordial due to our mutual friend, and we projected a positive attitude towards each other for optimal networking during the event. For this reason, I thought that perhaps we could in fact continue working together professionally, and she explained that she had thought the money she had spent on a previous project that we worked on should be

compensation for the next projects we had planned. Ms. Ellis wanted to be part of a fashion shoot that my fashion agency planned for November 14, 2018 at a Miami area marina, and so I attempted to continue to work with her professionally. However, during the planning of that project, I found Ms. Ellis's communications to be excessive and unnecessary. After the completion of the fashion shoot, I kindly requested that we suspend any further fashion work together. After I made this request, Ms. Ellis continued to attempt to communicate with me via text message to express her interest that we work together on other fashion events. I firmly rejected these attempts by Ms. Ellis, advised her that I was uncomfortable working with her, and I extricated myself from working with Ms. Ellis on fashion events with my agency.

7. Once I began to distance Ms. Ellis from fashion and media opportunities with my company, she began to exhibit mood swings and strange, obsessive behavior towards me. For example, on or about November 20, 2018, we communicated via text message about no longer working together and Ms. Ellis then implied that I "nearly raped" her on our first date. After she made that shocking statement, I decided to block her from communications with me since that statement was patently false. I increasingly became concerned about what Ms. Ellis would say about me so I stopped all communication with her at that time. Nevertheless, Ms. Ellis continued to try to contact me through mutual friends, or attempted to communicate with me about various topics. But I continued to block Ms. Ellis from electronic communications and I ignored any of her attempts to contact me through mutual contacts.

8. Earlier this year, on or about April 8, 2019, Ms. Ellis arrived unannounced at my residence in Hallandale Beach, Florida. When Ms. Ellis arrived at my residence, I was not there, but the security guard at my building called me on my cell phone to advise me that Ms. Ellis was there. While I was on the phone with the security guards I heard Ms. Ellis yelling about

receiving the phone from the security guard, and then she got on the phone. Ms. Ellis had a box of items she had purchased that she wanted to use for fashion shows that we initially discussed collaborating on in November and December 2018. However, since we broke up and I discontinued working with Ms. Ellis, the items went unused. Shortly after our break-up but before I terminated communications with Ms. Ellis, we communicated about the fashion-show items and I told her I did not need any of the items or receipts. I also told her that she could donate or otherwise get rid of the items at her discretion.

9. Thus I was surprised Ms. Ellis showed up at my residence in April 2109 and insisted that she personally deliver the box of (unwanted) items to me. She also demanded that I sign a receipt confirming that she had dropped the items off. After I repeatedly told her that I was not there and I did not need or want any of the items in the box, she eventually left my residence. During the phone call, I became increasingly concerned about the escalating, disturbing behavior and statements by Ms. Ellis, so I decided to unblock Ms. Ellis's number from my phone so that I could keep track of her statements to me. Attached hereto as Exhibit A are true and correct screenshots of the text messages from Ms. Ellis to me on April 8, 2019.

10. A few months later, in June 2019, Ms. Ellis and I coincidentally attended the same fashion event in Miami, Florida. Although we saw each other, we did not speak or address one another. I did see her introduce herself to my acquaintances and business partners at the time. The next month, in July 2019, Ms. Ellis posed as an aspiring intern to gain access to a closed casting event that my fashion agency was invited to attend, which was organized by one of my business partners. I observed Ms. Ellis on the premises, but I did not speak to or approach her. After the event, I discretely spoke with my business partner and told him that I would prefer

we not work with Ms. Ellis on our upcoming joint projects without going into any detail; however I made clear that he was fine to work with Ms. Ellis on his own projects if he so chose.

11. Throughout June and July of 2019, mutual acquaintances of Ms. Ellis and I attempted to relay messages to me from Ms. Ellis, or attempted to encourage me to communicate with her. I ignored all requests and did not respond to any of the messages or messengers regarding Ms. Ellis.

12. Meanwhile, Ms. Ellis began to send me several text messages in June and July accusing me of hacking her phone and stalking her. At first, I merely denied her claims and asked her to stop contacting me, but she continued to send me messages asking me to leave her alone, to stop stalking her and threatening her life, and she threatened to “tell the full story”. Attached hereto as Exhibits B and C are true and correct copies of screenshots from the June and July 2019 text messages that Ms. Ellis sent me. Ms. Ellis’s statements were bizarre and untrue.

13. On July 14, 2019, Ms. Ellis sent me another text message where she threatened my life stating: “you are a fuckin deadman [sic], Brandon.” Attached hereto as Exhibit D is a true and correct copy of the screenshot of Ms. Ellis’s July 14, 2019 text message.

14. On August 20, 2019, a friend contacted me and told me about several postings on Instagram and Facebook in which Ms. Ellis posted my picture from the hospital website, my personal information including cell phone, home address, and birthdate. She explicitly stated that she would not stop until I stopped. Attached hereto as Exhibits E and F are true and correct copies screenshots of Ms. Ellis’s postings about me from Facebook and Instagram, respectively. In the postings, Ms. Ellis claims that I was stalking her and hacking her phone. She also claims that she filed a police report against me. I had not initiated any contact with Ms. Ellis and I am unaware of any police report being filed against me by Ms. Ellis. Particularly disturbing,

however, were the comments from others on social media that expressed support for Ms. Ellis and animus towards me.

15. The next day, on August 21, 2019, the Chairman of Neuroscience, Greg Zorman (the "Chairman"), at my hospital (and my boss and mentor) contacted me to advise that Ms. Ellis had left a voicemail on the hospital call center stating that she wanted to speak with the Chairman about a "personal" matter not relating to my professional license or employment, and that she had involved the police. It is my understanding that the Chairman referred this matter to the hospital attorney.

16. I am fearful that Ms. Ellis will continue to take steps to humiliate and embarrass me publicly, socially, and professionally. The statements that Ms. Ellis posted about me are false, and they are harmful to my reputation as a surgeon in the community, as a businessperson in the fashion industry.

17. After Ms. Ellis posted these false statements about me and posted my personal information, I retained counsel at the law firm of Reed Smith LLP to send Ms. Ellis a cease-and-desist letter on August 23, 2019. But even after receiving the cease-and-desist letter, Ms. Ellis (i) has not taken down the false statements about me that she posted on her social media; (ii) she has not taken down the personal information (which includes my cell phone number, work address, home address); and (iii) has not recanted any of the false statements that she made against me. In addition, Ms. Ellis (or individual(s) acting on her behalf) have contacted me through social media and via text message on my cell phone.

18. For example, on September 2, 2019, the Instagram account for Vybelle, my media and fashion agency, received a message from an unknown person that stated:

"I know it's you Brandon. I know you manage this account & it's not Yovanna.

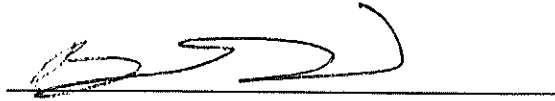
You obviously won't stop & neither will I. You are stalking me why?"

A true and correct copy of the screenshot of this message is attached hereto as Exhibit G. The handle name associated with this Instagram message is "dme4monetportfolio," which is unknown to me and is not a handle for one of the previously-accepted followers of Vybelle. I did not respond to dme4monetportfolio, but I am fearful that the message was sent by Ms. Ellis or someone on her behalf.

19. Also, on September 6, 2019, I received a strange text message from a person who identified himself as "Joseph Laurent" who claimed he was "referred to [me] by Danielle Ellis." I do not know this person or his connection to Ms. Ellis; however, I am concerned that this person obtained my cell phone number and was attempting to contact me to harass or harm me. Attached hereto as Exhibit H is a true and correct copy of the screenshot of the text message that I received from the unknown person on September 6, 2019. The exact same message was previously sent to the Instagram account for Vybelle weeks earlier on August 26, 2019. A true and correct copy of the screenshot of that message is attached hereto as Exhibit I. I did not respond to either of these messages from this unknown person who claims to have been referred to me by Ms. Ellis.

20. I am very concerned that through her social media posts and other intentional conduct, Ms. Ellis has been inciting others to reach out to her and support her against me. As a result, I am fearful that third parties who view Ms. Ellis's postings or hear her false statements about me will believe her false accounts and will attempt to harass or harm me. I am fearful that one of her supporters may take up her cause and come after me, or that Ms. Ellis may use a third party to harass me since she repeatedly has stated that she "will not stop."

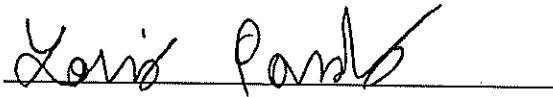
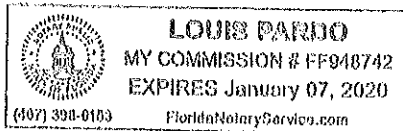
Further Affiant Sayeth Naught.



Brandon Davis

SWORN TO AND SUBSCRIBED before me on this 6th day of September, 2019, Brandon Davis personally appeared and produced USA Passport, as identification who acknowledged himself to have the authority to execute this affidavit, and that he, in such capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public in and for the State of Florida

My Commission Expires: January 7, 2020

EXHIBIT A

7:38 ↵



Danielle >

Delivered

Mon, Apr 8, 10:30 PM

Davisbj@hotmail.com

Sent as Text Message

Text Message

Are you going to be home anytime soon

I will pickup the packages you dropped off today when I get home tomorrow. Thanks

Well I'd prefer to hand them directly to you & have you sign the receipts that I dropped them off

Have a good night. Email me any info you have . Will have someone look into anyone continuing to contact you,

You want this stuff or not Brandon, so I can be done with this that's occurring to me through my contact with you



Text Message



7:40 ↗



< 178

DF

Danielle >

You want this stuff or not
Brandon, so I can be done with
this that's occurring to me
through my contact with you

My front desk can sign

Ok

Thanks

They are saying they can't sign
for a drop off

Fri, Apr 12, 10:07 AM

GM, I'm sorry to bother you but
did you hack my phone &
computer?

Nope. I have no idea and
unfortunately I cannot help you
with that. Also, I am not
comfortable meeting you for
receiving the receipts. I can
just use the credit card
statement for my records. I also
am not very comfortable
communicating with you. I am



Text Message



EXHIBIT B

7:41 ↵



< 179



Danielle >

Tue, Jun 4, 8:34 AM

I need you to stop stalking me
Brandon

Please do not call or text me.
Please do not come by my
apartment again. Your behavior
is concerning me.

Tue, Jun 4, 9:39 AM

I have not come by your
apartment since you invited me
& your valet was expecting me.
I have no desire to call or text
you Brandon. I know you are
stalking me & contacting
people to stalk me. I don't want
to go to the police but I will. I
don't care about your "act" you
have stalked me for over 7
months. I will not come to you
for any aid, again I am asking
you to stop.

Please do not text me again

Please don't text me again



Text Message



EXHIBIT C

7:41 ↵



Danielle >

.....
alone, now.

Sun, Jul 14, 4:43 AM

FUCK YOU, you are a fuckin
deadman Brandon. 🍀

Fri, Jul 26, 2:20 PM

You have been stalking me
Brandon for 10 fuckin months!
Why?

Exactly

Why Brandon?

You say you will stop & you
don't. You pay people to harass
me.

I was never that serious. I
already filed a report in Boca

I have tried to spare your
career & life by not telling the
full story but if that's what
needs to happen for you to get
out of my life & truly leave me
alone that is what will happen.



Text Message



EXHIBIT D

7:41 ↗



Danielle >

Please don't text me again

Tue, Jun 11, 6:59 PM

Please do not contact me
anymore indirectly or directly.
Thank You.

Thu, Jun 13, 11:42 AM

Again please do not indirectly
contact me or directly. I am
stating to you to unhack my SM
accounts, pls.

Sat, Jul 6, 9:34 AM

Brandon you have to leave me
alone.

What do you want Brandon
bcuz I need you to leave me
alone, now.

Sun, Jul 14, 4:43 AM

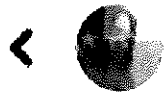
FUCK YOU, you are a fuckin
deadman Brandon. 🍷

Fri, Jul 26, 2:20 PM



EXHIBIT E

3:27



Danielle M. Ellis
58 mins · 🌐



Send Message



Like



Comment



Share

1



Terry O'Neal-Feaster

Hey Cuz please go to the police about this situation..I was in law enforcement previously. These situation escalate very quickly. Take safety precautions and report to law enforcement today 😊😊

50m Like Reply



Stephanie White

Is the police involved

44m Like Reply



Danielle M. Ellis

I filed a report, so I'm now doing to him what he has been doing to me

40m Like Reply



Danielle M. Ellis

My apologies if I don't respond a lot. All of this is about his obsession.

37m Like Reply



Ronnie Waldman Havrilla

Good!!

5m Like Reply



Write a comment...



3:11



< Danielle M. Ellis



write a comment...



Danielle M. Ellis



42 mins · 🌐

Hi FB family this is the Dr. Brandon James Davis that hacks & stalks me. I'm currently doing what I can to get him out of my life. However, he won't stop o truly appreciate your support in aiding me with this matter.

3:30



< Contacts



Edit

Brandon



message



call



video



pay

Phone Number

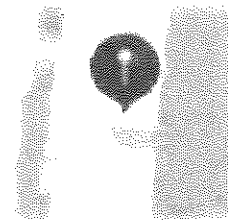
+1 (615) 293-8751

FaceTime



home

1850 s ocean drive 4303
Hallandale Beach 33009
United States



birthday

April 19, 1978

Notes



Done

5 of 5

Yesterday at 11:29 AM



Julia Kay

Omg Danielle! Can't you get a restraining order?

1d Like Reply



Tiffy Jo

Who that fuck is this nigga. Expose his ass so we know who to run to. He got me F'up best friend. Better not let no body run you into hiding. You better have some shit for his ass!!!

1d Like Reply



View 5 previous replies...



CeCe Bruce

What!

23h Like Reply



Tiffy Jo

Danielle M. Ellis this must be one sick Mfer

23h Like Reply



CeCe Bruce

Fuck this guy, I know people and Ill Have him arrested. (If your reading



Write a comment...



Done

4 of 4



Like



Comment



Share



Danielle M. Ellis



Yesterday at 11:29 AM

"I used to cry every day about working at the mall after attending a for profit school. I figured it out how to over come that. Now I cry all day n bcuz a Blk man thinks it's his right to stalk me."

My proof I'll post later he had my cut so he could have it. He told me all this through stalking me. No one will help me so as I see fit I'll share my developments into death with everyone. -Happy Monday Hopefully Everyone Understands Now. Thanks for wanting to know what I want to do- it's nothing. I'll wait for him to become angry & just do whatever. So sign, blog, & keyword that.



17 Comments



Like



Comment



Share



Danielle M. Ellis

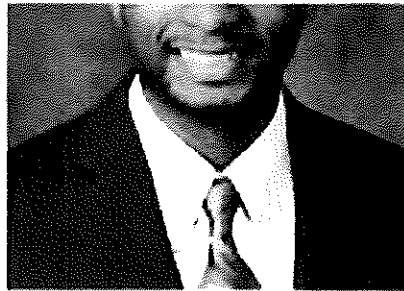


August 9 at 1:14 AM





Danielle M. Ellis
41 mins · 🌐



Specialties

Neurosurgery, Neuro-Interventional

Primary Office

Address



Like



Comment



Share



Ebony White

Oh my 🤔 be careful cuz

34m Like Reply



Stephanie White

Danielle M. Ellis is this the stalker ••

29m Like Reply



Danielle M. Ellis

Stephanie White yes

6m Like Reply



Write a reply...



Write a comment...



< Danielle M. Ellis



Danielle M. Ellis

18 mins · 🌐



Please be advised communications of trolling dialogues you see on my account are from him. They do not reflect the individuals & their professionalism.



Like



Comment



Share



Danielle M. Ellis

20 mins · 🌐



I truly appreciated everyone's support. Calling & going to the police doesn't directly stop the problem. A hacker such as this works through means of a cowards actions. I do have on going Police reports. So I am exposing Brandon Davis for who & what he is.



Like



Comment



Share



Danielle M. Ellis

3 hrs · 🌐



Hi Facebook, so more updates he still refuses to stop. He is very mentally ill.

6 Comments



Like



Comment



Share



Matthew Cohen

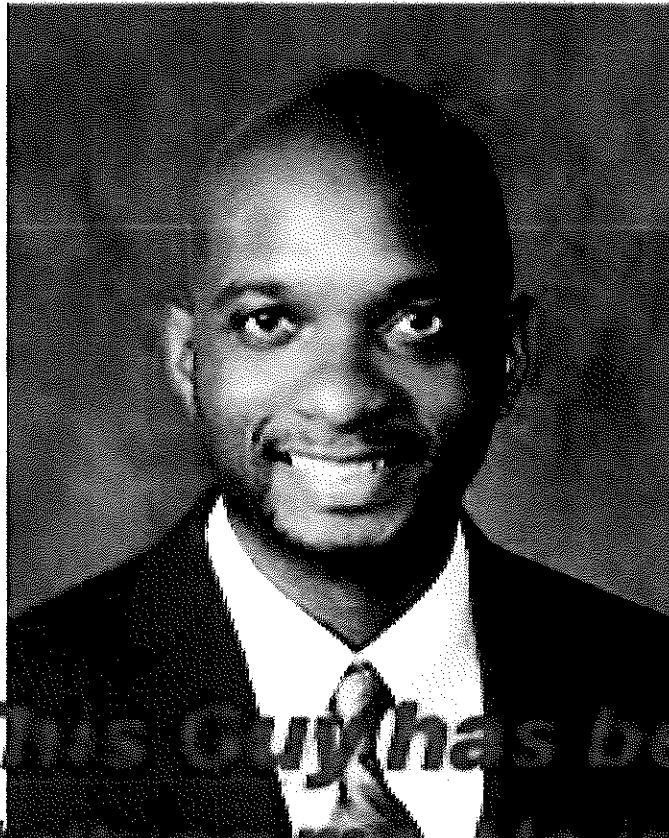
Your updates should be with the police not across peoples timelines. That's if... See More

View 2 previous replies...



EXHIBIT F

Brandon Davis, MD, PHD



*This guy has been
stalking me. He is the*

Specialties

Neurology, Psychiatry

owner of

#vybellemodels

Primary Office

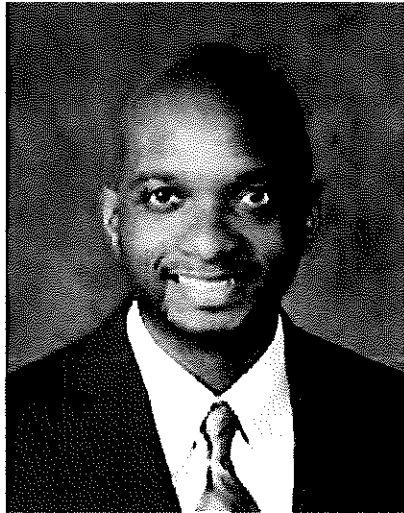
#VyBelle

Address



Tagged

AVRIL, A CARD



Specialties

Neurosurgery, Neuro-Interventional



daniellem.ellis Hi everyone, my apologies for not posting I such a long time. This person has been hacking & stalking me for the past year. After failed attempts of communication this is the result. I will be posting his information until the hacking & stalking stops. Thank You. #vybellemodels #vybelle

11 minutes ago



_nikitanaomi
Loews Miami Beach Hotel





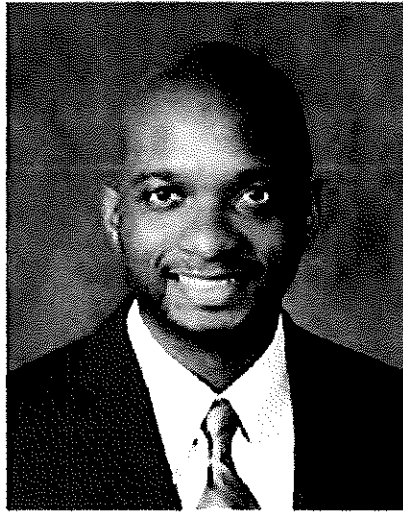
Photo



daniellem.ellis



**DR BRUCE DAVIS,
MD, PHD**



Specialties

Neurosurgery, Neuro-Interventional



daniellem.ellis Hi everyone, my apologies for not posting I such a long time. This person has been hacking & stalking me for the past year. After failed attempts of communication this is the result. I will be posting his information until the hacking & stalking stops. Thank You.
#vybellemodels #vybelle

10 minutes ago



Add a comment as vybellemodels...

EXHIBIT G

9:45



dme4monetportfolio



Monday 12:20 PM

I know it's you Brandon. I know you manage this account & it's not Yovanna. You obviously won't stop & nether will I. You are stalking me why?

dme4monetportfolio wants to send you a message

1 followers 0 posts

Do you want to let dme4monetportfolio send you messages from now on? They'll only know you've seen their request if you choose Accept.

Block

Delete

Accept

EXHIBIT H



w220_s65



August 26, 1:31 PM

Good afternoon Dr. Brandon. How are you? I hope all is well. I wanted to reach out to you to personally introduce myself. My name is Joseph Laurent and I would like to set up a time with you to perhaps talk some more. Let me know what you think. Thank you in advance.



w220_s65 wants to send you a message

340 followers 43 posts

Do you want to let w220_s65 send you messages from now on? They'll only know you've seen their request if you choose Accept.

Block

Delete

Accept

EXHIBIT I



+1 (404) 398-1675 >

Text Message
Today 7:30 AM

Good morning Dr. Brandon.
How are you? This is Joseph
Laurent and I wanted see if we
could set up a phone to
introduce ourselves with each
other. I was referred to you by
Danielle Ellis. Hopefully I hear
from you soon. Thank you and
Have a great day

The sender is not in your contact list.

Report Junk

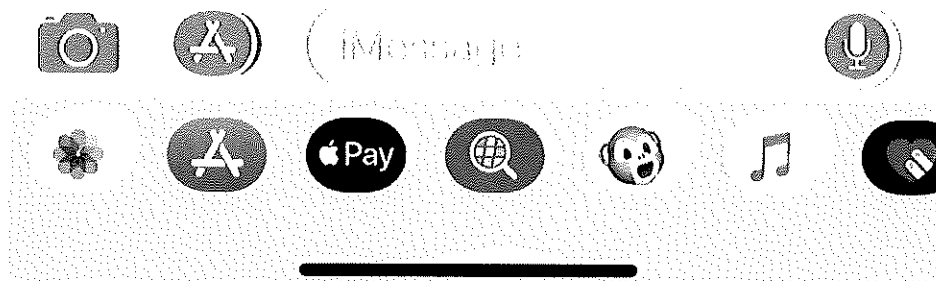


EXHIBIT 2

CAUSE NO. _____

BRANDON DAVIS,

Plaintiff,

v.

DANIELLE M. ELLIS

Defendant.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**AFFIDAVIT OF ELIZABETH C. BRANDON IN SUPPORT OF PLAINTIFF'S
VERIFIED ORIGINAL PETITION, APPLICATION FOR TEMPORARY
RESTRAINING ORDER, AND TEMPORARY AND
PERMANENT INJUNCTION AND REQUEST FOR DISCLOSURE**

STATE OF TEXAS

COUNTY OF DALLAS

§
§
§

BEFORE ME, the undersigned authority, personally appeared Elizabeth Brandon, who, being by me duly sworn, deposed as follows:


1. My name is Elizabeth Brandon. I am over twenty-one (21) years of age, of sound mind and competent to make this affidavit. I am a partner at the law firm of Reed Smith, L.L.P., counsel for Plaintiff Brandon Davis in the above-referenced litigation, and a member of the Bar of the State of Texas. I submit this affidavit in support of Plaintiff's Verified Original Petition, Application for Temporary Restraining Order, and Temporary and Permanent Injunction and Request for Disclosure.

2. Attached hereto as Exhibit A is, to the best of my knowledge, a true and correct copy of a letter, with attachments, dated August 23, 2019 that I prepared and arranged to have hand delivered to Defendant Danielle M. Ellis. After receiving the letter on August 23, Ms. Ellis contacted my office that same day and left me a voicemail message. I returned her call the same

day and eventually spoke to Ms. Ellis by phone and asked her if she would comply with the cease-and-desist letter. Ms. Ellis was noncommittal and stated that she would comply only after Mr. Davis ceased his against her. Once I told Ms. Ellis that I would not discuss the merits of each side's position, she repeated her statement and we were disconnected soon thereafter. I called Ms. Ellis back and left her a voicemail message stating that her counsel (to the extent she had one) should contact me. Since that phone call on August 23, I have not heard back from Ms. Ellis or her counsel, and to date, Ms. Ellis has not complied with the cease-and-deists letter. Attached hereto as Exhibit B are, to the best of my knowledge, true and correct copies of select printouts from Ms. Ellis's Facebook account as of September 9, 2019 that relate to Mr. Davis.

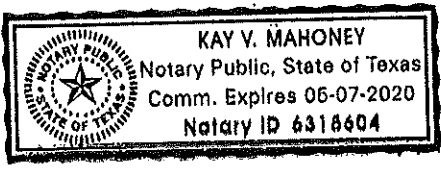
3. Attached hereto as Exhibit C is, to the best of my knowledge, a true and correct copy of the response that my office received from the Palm Beach County Sherriff's Office on August 27, 2019 regarding our inquiry into a records request."

FURTHER AFFIANT SAYETH NAUGHT.


Elizabeth C. Brandon

SWORN TO AND SUBSCRIBED before me on the 9th day of September 2019.

Kay V. Mahoney
Notary Public in and for the State of Texas



My Commission Expires: 05/07/2020

BRANDON AFFIDAVIT
EXHIBIT A

ReedSmith

Driving progress
through partnership

Elizabeth C. Brandon

Direct Phone: +1 469 680 4212

Email: ebrandon@reedsmith.com

Reed Smith LLP
2501 N. Harwood Street
Suite 1700
Dallas, TX 75201
+1 469 680 4200
Fax +1 469 680 4299
reedsmith.com

August 23, 2019

VIA Hand Delivery and Certified No. 9414 7266 9904 2154 9899 53

Danielle M. Ellis
c/o Pamela Johnson
2309 Colonial
Mesquite, Texas 75150

Dear Ms. Ellis,

My name is Elizabeth Brandon of Reed Smith LLP, and we represent Dr. Brandon Davis, MD, PhD, who resides in Broward County, Florida. It has come to our attention that earlier this week, on or about August 20, 2019, on an Instagram account belonging to you (danniellem.ellis) and a Facebook account belonging to you (Danielle M. Ellis), you made several public postings regarding our client. For your reference, I have attached screenshot copies of the offensive posts as Exhibits A and B to this letter.

The postings reflected in Exhibits A and B are troubling and problematic in two significant and material respects. *First*, you falsely accuse Mr. Davis of stalking and harassing you. Although you claim to have filed a police report concerning your false allegations, we are unaware of you filing a police report prior to the date of the postings reflected in Exhibits A and B. *Second*, you improperly posted Mr. Davis's personal mobile number, home address, birthdate, work address, and employee photograph ("Personally Identifiable Information") without his permission or authorization. As you are aware, Mr. Davis is a private figure, and by posting false information about him, and publishing his private, Personally Identifiable Information without permission, you have: (1) violated Mr. Davis's rights, including his constitutional right to privacy; (2) harmed his reputation; (3) inflicted emotional distress upon him; and (4) caused him additional harm and damage.

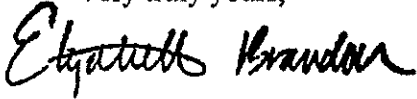
We demand that you immediately cease and desist from posting false statements against Mr. Davis and from posting Mr. Davis's private, Personally Identifiable Information. In addition to removing the offensive material from your Instagram and Facebook accounts, we demand that you remove the offending material from any and all other public forums and electronic social media forums that you may have published the offending material.

Danielle M. Ellis
August 23, 2019
Page 2

ReedSmith

Please contact me via email or telephone to confirm that you have fully complied with this cease and desist demand. Mr. Davis expressly reserves all of his rights to seek any and all relief in law and equity against you for the harm caused by your wrongful conduct.

Very truly yours,

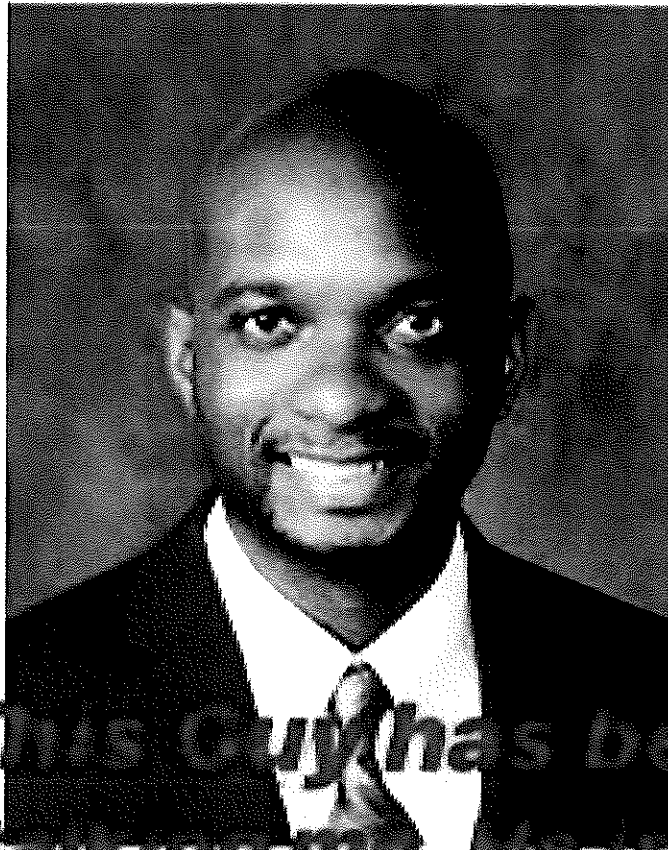
A handwritten signature in black ink that reads "Elizabeth C. Brandon". The signature is written in a cursive, flowing style.

Elizabeth C. Brandon

ECB:cd

EXHIBIT A

Brandon Davis, MD, PHD



*This guy has been
stalking me. He is the*

Specialties

Neurology, Neuro-Genetics

owner of

#vybellemodels

Primary Office

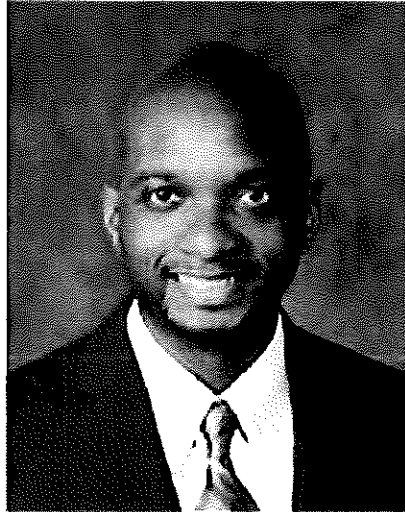
#VyBelle

Address



Tagged

Avatar, name, and more



Specialties

Neurosurgery, Neuro-Interventional



daniellem.ellis Hi everyone, my apologies for not posting I such a long time. This person has been hacking & stalking me for the past year. After failed attempts of communication this is the result. I will be posting his information until the hacking & stalking stops. Thank You. #vybellemodels #vybelle

11 minutes ago



_nikitanaomi

Loews Miami Beach Hotel





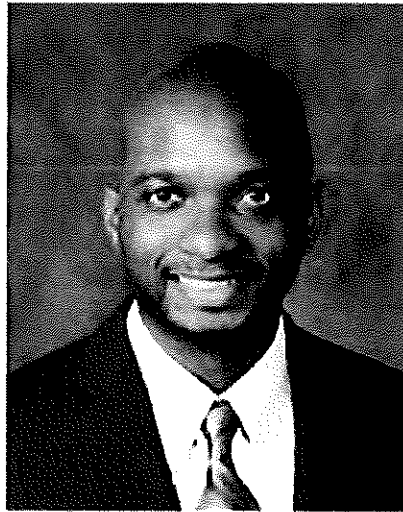
Photo



daniellem.ellis



DRUGON DAVIS, MD, PHD



Specialties

Neurosurgery, Neuro-Interventional



daniellem.ellis Hi everyone, my apologies for not posting I such a long time. This person has been hacking & stalking me for the past year. After failed attempts of communication this is the result. I will be posting his information until the hacking & stalking stops. Thank You. #vybellemodels #vybelle

10 minutes ago



Add a comment as vybellemodels...

EXHIBIT B



Danielle M. Ellis

58 mins · 🌐



Send Message



Like



Comment



Share



1



Terry O'Neal-Feaster

Hey Cuz please go to the police about this situation..I was in law enforcement previously. These situation escalate very quickly. Take safety precautions and report to law enforcement today 🙏🙏

50m Like Reply



Stephanie White

Is the police involved

44m Like Reply



Danielle M. Ellis

I filed a report, so I'm now doing to him what he has been doing to me

40m Like Reply



Danielle M. Ellis

My apologies if I don't respond a lot. All of this is about his obsession.

37m Like Reply



Ronnie Waldman Havrilla

Good!!

5m Like Reply



Write a comment...



3:11



< Danielle M. Ellis



write a comment...



Danielle M. Ellis

42 mins · 🌐



Hi FB family this is the Dr. Brandon James Davis that hacks & stalks me. I'm currently doing what I can to get him out of my life. However, he won't stop o truly appreciate your support in aiding me with this matter.

3:30



< Contacts



Edit

Brandon



message



call



video



pay

PHONE

+1 (615) 293-8751

FaceTime

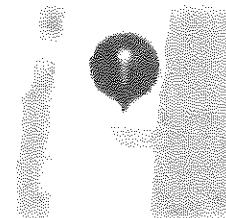


home

1850 s ocean drive 4303

Hallandale Beach 33009

United States



birthday

April 19, 1978

Notes



Done

5 of 5

Yesterday at 11:29 AM



Julia Kay

Omg Danielle! Can't you get a restraining order?

1d Like Reply



Tiffy Jo

Who that fuck is this nigga. Expose his ass so we know who to run to. He got me F'up best friend. Better not let no body run you into hiding. You better have some shit for his ass!!!

1d Like Reply



View 5 previous replies...



CeCe Bruce

What!

23h Like Reply



Tiffy Jo

Danielle M. Ellis this must be one sick Mfer

23h Like Reply



CeCe Bruce

Fuck this guy, I know people and Ill Have him arrested. (If your reading



Write a comment...



Done

4 of 4

Like

Comment

Share



Danielle M. Ellis



Yesterday at 11:29 AM •

"I used to cry every day about working at the mall after attending a for profit school. I figured it out how to over come that. Now I cry all day n bcuz a Blk man thinks it's his right to stalk me."

**My proof I'll post later he had my cut so he could have it. He told me all this through stalking me. No one will help me so as I see fit I'll share my developments into death with everyone. -Happy Monday
Hopefully Everyone Understands Now. Thanks for wanting to know what I want to do- it's nothing. I'll wait for him to become angry & just do whatever. So sign, blog, & keyword that.**

5

17 Comments

Like

Comment

Share



Danielle M. Ellis



August 9 at 1:14 AM •





Danielle M. Ellis

41 mins · 🌐



Specialties

Neurosurgery, Neuro-Interventional

Primary Office

Address



Like



Comment



Share



Ebony White

Oh my 🤔 be careful cuz

34m Like Reply



Stephanie White

Danielle M. Ellis is this the stalker ••

29m Like Reply



Danielle M. Ellis

Stephanie White yes

6m Like Reply



Write a reply...



Write a comment...



< Danielle M. Ellis



Danielle M. Ellis

18 mins · 🌐



Please be advised communications of trolling dialogues you see on my account are from him. They do not reflect the individuals & their professionalism.



Like



Comment



Share



Danielle M. Ellis

20 mins · 🌐



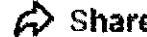
I truly appreciated everyone's support. Calling & going to the police doesn't directly stop the problem. A hacker such as this works through means of a cowards actions. I do have on going Police reports. So I am exposing Brandon Davis for who & what he is.



Like



Comment



Share



Danielle M. Ellis

3 hrs · 🌐



Hi Facebook, so more updates he still refuses to stop. He is very mentally ill.

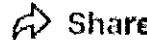
6 Comments



Like



Comment



Share



Matthew Cohen

Your updates should be with the police not across peoples timelines. That's if... See More

View 2 previous replies...



BRANDON AFFIDAVIT
EXHIBIT B

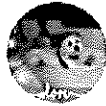


Danielle M. Ellis

August 20 at 17:19 · 🌐



Write a reply...



Ronnie Waldman Havrilla

Call the cops asap

2w Like Reply 2



Stephanie White

Come on back to Dallas

2w Like Reply 1



Danielle M. Ellis

Stephanie White not bcuz a sicko can't handle rejection

2w Like Reply



Nah Kita

Danielle M. Ellis I agree w Stephanie....I have been stalked twice before, u have to change everything that u r doing. I was told that u really can't do anything they do something physical to u.

2w Like Reply 1



Nah Kita



Write a comment...





Danielle M. Ellis
August 20 at 14:29 ·



Primary Office

Address



Like



Comment



Share



Ebony White

Oh my be careful cuz

2w Like Reply



Stephanie White

Danielle M. Ellis is this the stalker

2w Like Reply



Danielle M. Ellis

Stephanie White yes

2w Like Reply



Stephanie White

Danielle M. Ellis dang to much !!!! Let me know if you need me to pop up !!!!



Write a comment...





Danielle M. Ellis

August 20 at 17:19 · 🌐



Danielle M. Ellis

Matthew Cohen my point the posts placement is the guy hacking, Thank You for your concern

2w Like Reply



Matthew Cohen



TENOR

2w Like Reply



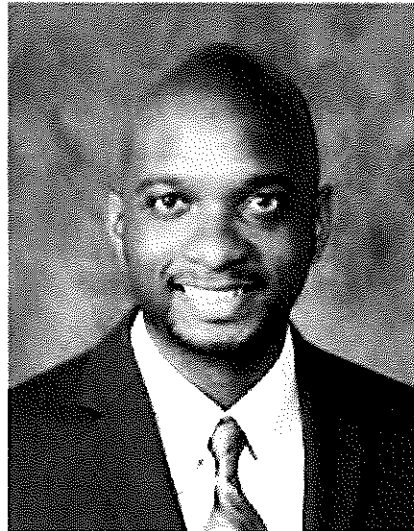
Write a reply...



Write a comment...



Brandon Davis, MD, PHD



Specialties

Neurosurgery, Neuro-Interventional

Primary Office

Address

1150 N 35th Avenue
Suite 300
Hollywood, FL 33021

[Map & Directions](#)

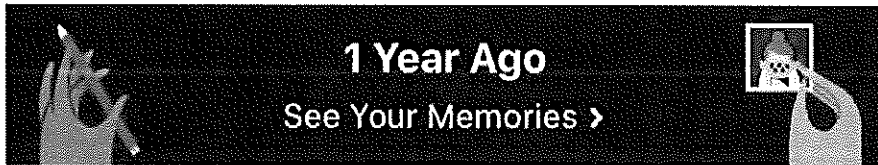
◀ 🔍 Danielle M. Ellis



Danielle M. Ellis shared a memory. ⋮

Monday at 13:17 · 🌐

There is an individual who has attempted to destroy my life over their self imposed issues. So again FB family here is that good stuff that women who are true nurtures understand.

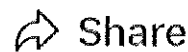


Danielle M. Ellis

September 2, 2018 · 🌐

Philippians 4:8 New Living Translation (NLT)
8 And now, dear brothers and sisters, one final thing. Fix your thoughts on what is true, and honorable, and right, and pure, and lovely, and admirable. Think about things that are excellent and worthy of praise.

THE 'FAM' is always sharing this good stuff so here is my contribution. 🍃



Danielle M. Ellis

August 23 at 14:40 · 🌐

"I am who I am & if you don't understand that, I was never for you" I have had the pleasure of



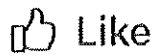


Danielle M. Ellis

August 20 at 17:19 · 🌐



Hi Facebook, so more updates he still refuses to stop. He is very mentally ill.



2



Matthew Cohen

Your updates should be with the police not across peoples timelines. That's if he's really threat...

2w Like Reply



Danielle M. Ellis

Matthew Cohen It's my timeline and it's to make the community aware of an individuals true intentions.

2w Like Reply



Matthew Cohen

Danielle M. Ellis Good! Next step: Contact your local



Write a comment...





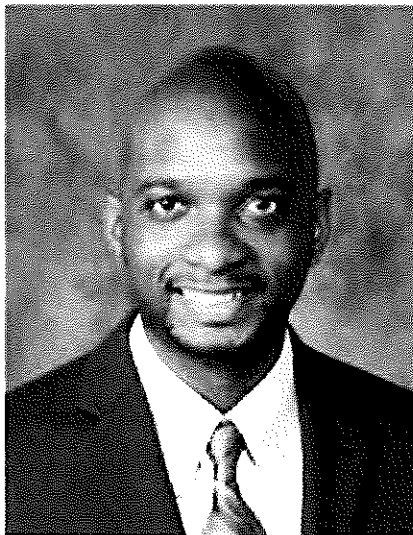
Danielle M. Ellis
August 20 at 14:29 · 🌐



I will continue to post & expose him until he understands. Thank You



Brandon Davis, MD, PHD



Specialties

Neurosurgery, Neuro-Interventional

Primary Office



Write a comment...



< Danielle M. Ellis

Like Comment Share



Danielle M. Ellis



August 20 at 17:19 · 🌐

Hi Facebook, so more updates he still refuses to stop. He is very mentally ill.

👍 2

13 Comments

Like Comment Share



Danielle M. Ellis



August 20 at 15:09 · 🌐

He stalked me through a friend's account on Instagram before I ever met him. Every time I step out to go anywhere.

Like Comment Share



Danielle M. Ellis

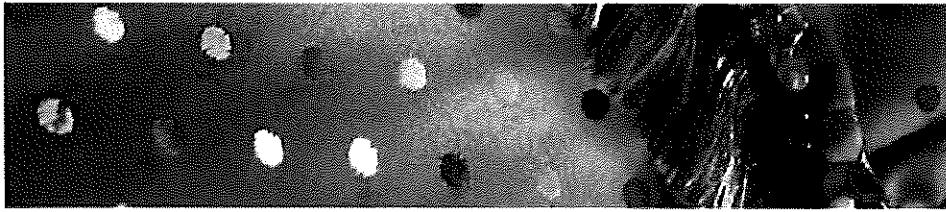


August 20 at 14:29 · 🌐

I will continue to post & expose him until he understands. Thank You



< Danielle M. Ellis



1

Like Comment Share



Danielle M. Ellis



August 21 at 11:49 ·

I appreciate all the continued support. The more of you that reach out & engage allows me to know who is who. He is devolving and I have an on-going case.

1

Like Comment Share



Danielle M. Ellis



August 20 at 21:00 ·

Please be advised communications of trolling dialogues you see on my account are from him. They do not reflect the individuals & their professionalism.

Like Comment Share




Danielle M. Ellis



August 20 at 20:59 ·



**Danielle M. Ellis**August 20 at 17:19 · 

messages from people he thinks I can't speak to directly. He has so many mental ailments. I'm not changing anything- I'm really pissed & I'm doing to him what he is doing to me.

2w Like Reply

**Nah Kita**

Danielle M. Ellis yeah my situation was different, I was stalked by a dude that lived in the same apt complex as me. Just be careful girl, u never know what crazy ppl will do.

2w Like Reply

**Danielle M. Ellis**

Nah Kita yes he keeps communicating things I've gone through in my past, as he "thinks" he is better.

2w Like Reply



Write a reply...



Write a comment...





Danielle M. Ellis

August 20 at 14:29 · 🌐



Take him (restraining order) to the Board of Neurology registry. Bet he get deported 😬😬

2w Like Reply



Danielle M. Ellis

Tiffy Jo deported?

2w Like Reply



Tiffy Jo

Danielle M. Ellis girl hush if this even you. Got me confused. Brandon!

2w Like Reply



Danielle M. Ellis

Tiffy Jo I know what's going on

2w Like Reply



Write a reply...



Shagala Smith


Is he stalking you?

2w Like Reply



Write a comment...



**Danielle M. Ellis**August 20 at 17:19 · **Nah Kita**

Danielle M. Ellis I moved to a different area, but u r dealing w someone that has the ability to cause hell

2w Like Reply

**Danielle M. Ellis**

Nah Kita yeah so they say. He stalks from his phone when he is on for work. I keep getting messages from people he thinks I can't speak to directly. He has so many mental ailments. I'm not changing anything- I'm really pissed & I'm doing to him what he is doing to me.

2w Like Reply

**Nah Kita**

Danielle M. Ellis yeah my situation was different, I was stalked by a dude that lived in the same apt complex as me. Just be careful girl, u never know what crazy ppl will do



Write a comment...





Danielle M. Ellis

August 20 at 14:29 · 🌐



Danielle M. Ellis

Stephanie White he is in Florida- this is part of the stalking the attention he receives.

2w Like Reply



Write a reply...



Tiffy Jo

🙄 Take him (restraining order) to the Board of Neurology registry. Bet he get deported 🙄🙄

2w Like Reply



Danielle M. Ellis

Tiffy Jo deported?

2w Like Reply



Tiffy Jo

Danielle M. Ellis girl hush if this even you. Got me confused. Brandon!

2w Like Reply



Write a comment...



BRANDON AFFIDAVIT
EXHIBIT C

PALM BEACH COUNTY
SHERIFF'S OFFICE
RIC L. BRADSHAW, SHERIFF



Tracking Number: 19-08-3439 Date: 8/26/2019
Case Number: Re. Complaint from Danielle Ellis Specialist Name/ID: Joan Dunn/ 34073

To Whom It May Concern:

There are no records responsive to your request.

Should you have any questions regarding this request, please call 561-688-3140.

Thank you,

Christine Cunningham

Division Manager - Central Records

EXHIBIT 3

CAUSE NO. _____

BRANDON DAVIS,

Plaintiff,

v.

DANIELLE M. ELLIS

Defendant.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

CAME TO BE HEARD *Petitioner's* Verified Original Petition, Application for Temporary Restraining Order, and Temporary and Permanent Injunction (the "Application"), filed by Plaintiff Brandon Davis (the "Petitioner") against Defendant Danielle M. Ellis (the "Respondent").

The Court, having considered the verified pleadings, the evidence presented, the argument presented at the hearing on the temporary restraining order, and the applicable law, concludes that the Application should be granted on the terms set forth below.

The Court finds the Application is supported by evidence that:

1. Petitioner is a non-public, private citizen who is dual-trained neurosurgeon and endovascular surgeon at Memorial Neuroscience Institute in Hollywood, Florida. Petitioner is a non-public, non-media, private citizen who is an aspiring model and fashion designer. Petitioner was introduced to on or about August 15, 2018 in Broward County, Florida at a birthday party birthday for a mutual friend. Shortly after this meeting, the parties began a casual, non-exclusive dating relationship for about six weeks—from about August 23, 2018 to October 7, 2018.

2. During this same period, Petitioner and Respondent began to work together on projects in the fashion industry because in addition to being a surgeon, Petitioner owns a modeling and media company called Vybelle Fashion Agency, located in Miami, Florida. The casual, non-exclusive dating relationship between the parties ended in early October 2018 after Respondent determined that Petitioner excessively charged Respondent's personal credit card after he had permitted her to use the card to purchase a gift to celebrate their successful collaboration on a fashion event in Florida. Thereafter, Petitioner distanced himself from Petitioner and he ended the dating relationship.

3. In the months following the break up, Respondent began to exhibit escalating conduct, including: (a) arriving unannounced at Petitioner's residence in

West Palm, Florida, to be stopped by the building security; (b) sending threatening text messages to Petitioner; and (c) making untrue allegations about Petitioner's conduct towards her.

4. On August 20, 2019, Respondent publicly posted personal information about Petitioner on her public Instagram and Facebook accounts, including Petitioner's cell phone number, home address, work address, employee photograph, birthdate, and hash tags to identify Petitioner's fashion modeling agency. In her postings, Respondent stated that Petitioner was "hacking" her computer and "stalking" her, and she claimed that she had filed a police report against Petitioner. There is no evidence that Petitioner was hacking or stalking Respondent, and there is no evidence of Respondent filing a police report in Palm Beach County, Florida—the county where Petitioner resides. Yet, Respondent posted statements that Petitioner asserts are untrue, and Respondent encouraged her social media contacts and followers to support her. Indeed, several followers posted threatening and offensive comments about Petitioner to express support for Respondent.

5. On August 21, 2019, Petitioner's boss at Memorial Neuroscience Institute, who is the Chairman of Neuroscience, informed Petitioner that Respondent had left a voicemail on the hospital call center in which she stated that she wanted to speak with the Chairman about a "personal" matter not relating to Petitioner's professional license or employment.

6. Petitioner became fearful about his safety and concerned about his professional reputation in the community. Petitioner retained counsel and on August 23, 2019, Petitioner (through his attorney) sent a cease-and-desist letter to Respondent, a copy of which is attached as Exhibit A to the Affidavit of Elizabeth Brandon submitted in support of the Application. Respondent confirmed receipt of the cease-and-desist letter, and although the letter demanded that Respondent take down the offending posts she made about Petitioner and remove his private information from her public postings, Respondent failed to do so.

7. Since Respondent received the cease-and-desist letter, she or others working on her behalf, have attempted to contact Petitioner on his personal cell phone and through his agency's Instagram account since. Ex. 2, Brandon Aff. Ex. B. For example, on September 2, 2019, the Instagram account for Davis's agency Vybelles received a message from an unknown person that stated: "I know it's you Brandon. I know you manage this account & it's not Yovanna. You obviously won't stop & neither will I. You are stalking me why?". The handle name associated with the Instagram message was "dme4monetportfolio," which is unknown to Petitioner and is not a handle for one of the previously-accepted followers of Vybelles. Petitioner did not respond to dme4monetportfolio, but he remains fearful that the message was sent by Respondent or someone on her behalf.

8. Similarly, on September 6, 2019, Petitioner received a text message from a person who identified himself as "Joseph Laurent" who claimed he was

“referred to [Petitioner] by Danielle Ellis.” Petitioner does not know a “Joseph Laurent” or “Mr. Laurent’s” supposed connection to Respondent; however, Petitioner is concerned that individual obtained his cell phone number and attempted to contact him to possibly harm or harass him. The individual who identified himself as “Mr. Laurent” previously sent the exact same message to the Instagram account for Vybelles weeks earlier on August 26, 2019—three days after Respondent had received the cease-and-desist letter.

9. To date, Respondent has not complied with the cease-and-desist letter and Petitioner remains fearful that Respondent will continue to take steps to harass, humiliate and embarrass him publicly, socially, and professionally. Because Respondent has not taken down Petitioner’s name, photo, address, phone number, work address, hospital address, fashion business name and related hashtags, Petitioner is in fear of his personal safety.

Claim for Permanent Relief and Probable Right to Relief Have Been Shown.

10. Petitioner has filed this instant action for defamation and asserted claims for Libel, Slander, Ratification, Request for Retraction, and Intentional Infliction of Emotional Distress against Respondent. Petitioner has shown a probable right to recovery by providing evidence that Respondent knowingly published false information about Petitioner, a private citizen, and publicly posted Petitioner’s personal information on social media without his permission. Respondent has failed to take steps to remove the false statements from the public forum, remove the personal information about Petitioner from her social media accounts, or to issue a retraction about her previously-posted false statements. Given the facts stated above, Petitioner has shown that he has a probable right to the relief claimed herein.

Probable Injury, Including Imminent Harm and Irreparable Injury, and No Adequate Remedy at Law Have Been Shown

11. Respondent’s actions show an imminent intent to damage Petitioner’s professional reputation, standing in the community, goodwill, and harm his business interests. Unless Respondent is restrained and enjoined as requested herein, Petitioner will suffer incalculable loss and irreparable harm (including harm to his reputation, goodwill, business relationships, standing in the community, and personal safety) for which Petitioner has no adequate remedy at law.

Petitioner is Entitled to a Temporary Restraining Order

12. By virtue of the foregoing, Petitioner has demonstrated a likelihood of success on the merits of his claim, and a balancing of the equities favors the issuance of a Temporary Restraining Order against Respondent.

13. The facts set forth in the Application were verified by Petitioner.

In light of the evidence and allegations adduced by Petitioner, the Court finds that unless

injunctive relief sought by Petitioner is granted, Petitioner will suffer immediate and irreparable injury, loss, or damage before notice can be served and a hearing has on Petitioner's request for temporary injunction, including harm to Petitioner's goodwill and reputation in the community, and possible physical harm to Petitioner himself.

IT IS THEREFORE ORDERED that Respondent is hereby temporarily restrained from:

- a. Continuing to publicly post any defamatory statements about Petitioner;
- b. Encouraging, enlisting, or recruiting others to make defamatory statements about Petitioner;
- c. Refusing to remove the defamatory statements against Petitioner from any and all of her social media public posts;
- d. Refusing to remove the personally-identifiable information about Petitioner—which includes Petitioner's name, work address, home address, phone number, photograph, company affiliation, hospital affiliation, and various social media hashtags associated with Petitioner—from any and all of her social media public posts;
- e. Refusing to contact third-party republishers of the statements to have them remove the statements from their posts or publications;
- f. Communicating or attempting to communicate with Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner;
- g. Threatening Petitioner, directly or through a third party, in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against Petitioner;
- h. Causing bodily injury to Petitioner, directly or through a third party, or threatening to cause bodily injury to Petitioner, directly or through a third party; and
- i. Going to or near or within five-hundred (500) feet of Petitioner or remaining within five-hundred (500) feet of Petitioner after Respondent becomes aware of the presence of Petitioner.

IT IS FURTHER ORDERED that Petitioner's application for temporary injunction be heard before the Judge of the above-named Court, on September ____, 2019, at _____ o'clock _____.m. in the courtroom of the _____ Judicial District Court, Dallas County, Texas.

The clerk of the above-entitled Court shall forthwith, on the filing by Petitioner of the Bond hereinafter required, and upon approving the same according to the law, issue a temporary restraining order in conformance with the law and the terms of this Order.

The Order shall not be effective unless and until a cash or surety bond in conformity with the law is executed and filed with the Clerk, in the amount of \$_____. Without limitation, the District Clerk can accept a cash bond in the form of a cashier's check, firm check(s) from the law firm of Reed Smith LLP, or personal; checks from Petitioner's counsel of record, any of which will satisfy the conditions of the Bond.

Signed this ____ day of _____, 2019, at _____ o'clock ____m.

JUDGE PRESIDING